

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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**POLIANNA MAZZITELLI,**

**Plaintiff,**

**-against-**

**PATRONATO INCA CGIL, USA, INC., and JOHN  
DE GENNARO,**

**Defendants.**  
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**Docket No.:**

**NOTICE OF REMOVAL**

Defendants **PATRONATO INCA CGIL, USA, INC., and JOHN DE GENNARO**, through counsel, pursuant to 28 U.S.C. §§ 1332, 1441(a), and 1446, respectfully petitions for the removal of this action to the United States District Court for the Eastern District of New York. In support of this petition, defendants respectfully state the following:

1. This case is presently pending in New York Supreme Court, County of Queens, under Index No. 712380/2016. The territory assigned to the United States District Court for the Eastern District of New York under 28 U.S.C. § 112(c) embraces Suffolk County.

2. A copy of the Summons and Complaint was filed in this matter on or about October 17, 2016. (Annexed hereto as Exhibit “A” is a copy of the Summons and Complaint).

3. In her Complaint, plaintiff purports to assert, inter alia, wage and hour and contract claims under the following statutes and theories:

The New York Labor Law §652 (first, second, and third causes of action);

The Fair Labor Standards Act (fourth and fifth cause of action);

Defamation (sixth cause of action);

Breach of contract (seventh cause of action);

Unjust enrichment (eighth cause of action).

*See* Exhibit “A”, Complaint, at ¶¶ 85 – 122, therein.

4. Plaintiff alleges that, as a result of defendants’ actions, plaintiff suffered damages in an unidentified amount to be determined at trial. *See* Exhibit “A”, Complaint.

5. Removal of Index No. 712380/2016 from the Supreme Court of the State of New York, County of Queens, to this Honorable Court is appropriate because this Court has original jurisdiction of the claims set forth in the Complaint. *See* 28 U.S.C. § 1441(a).

6. This Court has original federal question jurisdiction over the instant action pursuant to 28 U.S.C. § 1331, which provides jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.

7. As alleged in the Complaint, plaintiff alleges violations of federal statute, 29 U.S.C. §§206 and 207. *See* Exhibit “A”, Complaint, at ¶¶ 98 – 107, therein.

8. This Notice is timely under 28 U.S.C. § 1446 (b), because Defendants were served on or about February 6, 2017, and this Notice is being filed within the 30-day period within which defendants may petition this court for removal under 28 U.S.C. § 1446 (b).

9. All defendants have agreed to remove this action.

10. Defendants have not previously sought to remove this action.

**WHEREFORE**, defendants respectfully request that this case be removed to this Court.

Dated: New York, New York  
February 28, 2017

Yours, etc.

**WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP**

/s/ Celena R. Mayo

Celena R. Mayo

Valerie L. Hooker

Attorneys for Defendants

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